



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jérôme Ciavatti
Application No. : 10/044,307
Filed : October 26, 2001
For : DRAM BIT LINES

Examiner : David Nhu
Art Unit : 2818
Docket No. : 859063.502
Date : March 28, 2003

Commissioner for Patents
Washington, DC 20231

#7/Election
Marsha
4/3/03
RECEIVED
APR - 2 2003
TECHNOLOGY CENTER 2800

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents:

In response to the Election of Species Requirement dated February 28, 2003, applicant hereby elects with traverse Species I, claims 1-8, for examination at this time.¹

The Examiner has restricted the claims of the application into three groups as being directed to three distinct species. Applicant is unable to grasp the basis for the Examiner's restriction.

The applicant respectfully submits that the Election of Species Requirement is improper. The Examiner has not pointed to distinct species of the invention as disclosed. "The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species but not the first." (Section 806.04(f)) Applicant asserts that the Examiner has failed to reasonably meet at least these requirements, and thus the Election of Species Requirement is inappropriate.

¹ The Examiner noted that claims 1-17 are directed to Species I, but claims 9-17 have already been canceled.

All of the pending claims are directed to the same disclosed species, which is shown in Figures 3A-5. Figures 3A-5 are all directed to one embodiment of the invention. Figures 3A-3D depict cross-sections, along line A-A of Figure 1, during a series of steps according to the embodiment of the invention shown in Figures 3A-3D. Figures 4 and 5 depict cross-sections along lines B-B and C-C of Figure 1, respectively, upon completion of the method shown in Figures 3A-3D. There simply is no other distinct embodiment shown in the Figures. All of the pending claims read on the embodiment shown in Figures 3A-5.

The applicant respectfully submits that the Examiner has confused the varying claim scope of the pending claims, which is appropriate in any patent, with the disclosure of alternative species. As cautioned in section 806.04(e): "Claims are definitions of inventions. *Claims are never species. ... Species are always the specifically different embodiments.*" Thus, unless the Examiner can point to specifically different embodiments of the invention disclosed in the application, the Election of Species Requirement is not proper.

Even if the focus on the differing language of the pending claims were proper, the distinctions mentioned by the Examiner would still be insufficient to support an Election Requirement. For example, the Examiner cited Species I, claims 1-8, as being directed to "a method for manufacturing a DRAM cell including two active word lines having common drain/source regions contacting two memory points." Claim 1 actually recites that distinct source/drain regions, rather than the common drain/source region, contact the memory points. Similarly, claim 18 of Species II recites: "forming two active word lines adjacent to opposite sides of a common drain source region and adjacent to distinct source/drain regions contacting two memory points." The applicant is unable to see how those similar recitations describe two distinct species or embodiments of the invention. The same goes for the similar language of claim 20 of Species III.

With respect to Species III, the Examiner has cited the following as being exclusive to Species III: "A method of manufacturing a memory device forming insulating trenches in a semiconductor substrate having an active region delineated by the insulating trenches, and forming a plurality of insulating layers over the word lines being selectively etchable." However, claim 18 of Species II recites: "forming insulating trenches on opposite sides of an active region of a substrate; covering, at least partially, the four word lines, the

insulating trenches, and the substrate with a multiple-layer having three insulating layers, formed of first and third layers deposited over the entire structure, and of a second layer removed from the active region, except above the word lines, and being made of a material selectively etchable with respect to the first and third layers." The differences in claim language between claims 18 and 20 do not evidence any distinct embodiments or species of the invention.

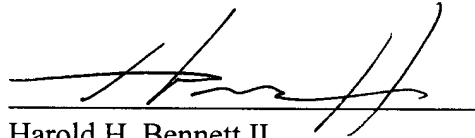
For the foregoing reasons, the Election of Species Requirement is improper, and thus, the applicant respectfully requests that it be reconsidered and withdrawn.

In view of the above remarks, applicant hereby requests that all pending claims 1-8 and 18-25 be examined together.

Respectfully submitted,

Jérôme Ciavatti

Seed Intellectual Property Law Group PLLC



Harold H. Bennett II
Registration No. 52,404

HHB:jl

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

369596_1



03-31-03

2818

EXPRESS MAIL NO. EV207701224US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

| | |
|----------------------|------------------|
| Application Number | 10/044,307 |
| Filing Date | October 26, 2001 |
| First Named Inventor | Jérôme Ciavatti |
| Group Art Unit | 2818 |
| Examiner Name | David Nhu |
| Attorney Docket No. | 859063.502 |

RECEIVED
APR -2 2003
TECHNOLOGY CENTER-2800

ENCLOSURES (check all that apply)

| | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund | <input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Response to Restriction Requirement</u> _____ _____ |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-----------------|---|--------------------------------------|
| Individual Name | Harold H. Bennett II Reg. No. 52,404 | 00500 PATENT TRADEMARK OFFICE |
| Signature | | |
| Date | March 28, 2003 | |

CERTIFICATE OF MAILING

| | | |
|---|--|-------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below. | | |
| Typed or printed name | | |
| Signature | | Date: |

369598_1